

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
4491 P

Total Pages in this Submission

**TO THE COMMISSIONER FOR PATENTS**Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**A RELIABLE METHOD AND SYSTEM FOR EFFICIENTLY TRANSPORTING DYNAMIC DATA ACROSS A NETWORK**

and invented by:

Lyman D. Horne  
Michael J. Miller  
W. Paul Willes  
Douglas M. Grover13441 U.S. PTO  
10/772034If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 133 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications *(if applicable)*
  - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings *(if filed)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

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## Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☒ Formal      Number of Sheets      40
- b. ☐ Informal      Number of Sheets      \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☒ Newly executed (original or copy)      ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☒ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail (Specify Label No.): ER509040663US

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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**Acc mpanying Application Parts (Continued)**

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

☒ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: 2

18. ☐ Additional Enclosures *(please identify below)*:

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

19. ☒ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
4517 P

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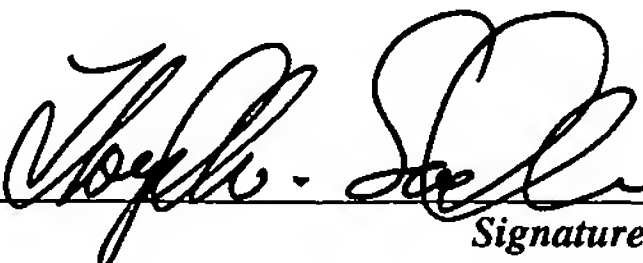
Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	177	- 20 =	157	x \$9.00	\$1,413.00
Indep. Claims	27	- 3 =	24	x \$43.00	\$1,032.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$385.00
OTHER FEE (specify purpose) <u>Recordation of assignment</u>					\$40.00
TOTAL FILING FEE					\$2,870.00

- credit card payment form*
- ☒ A ~~check~~ in the amount of **\$2,870.00** to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0581** as described below.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: 3 February 2004

  
Signature

cc:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Michael J. Miller  
Lyman D. Horne  
W. Paul Willes  
Douglas M. Grover

ASSIGNEE: Phonex Broadband Corporation

SERIAL NUMBER: n/a

DATE FILED: n/a

TITLE: A RELIABLE METHOD AND SYSTEM FOR EFFICIENTLY  
TRANSPORTING DYNAMIC DATA ACROSS A NETWORK

ATTORNEY DOCKET: 4491 P

Mail Stop: PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COVER LETTER

Honorable Commissioner:

Enclosed herewith please find the following documents comprising a United States patent application: (1) specification, claims and drawings, (2) declaration of inventor(s), (3) fee calculation sheet, (4) fee, (5) statements of small entity status, (6) information disclosure statement and form(s) 1449, (7) assignment and recordation of assignment cover sheet, and (8) return receipt postcard.

Respectfully submitted this 3<sup>rd</sup> day of February, 2004.

  
Lloyd W. Sadler, Reg. No. 40,154  
PARSONS BEHLE & LATIMER  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
Telephone: (801) 532-1234  
Facsimile: (801) 536-6111

Express Mailing  
Label:  
ER509040663US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Michael J. Miller  
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W. Paul Willes  
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Commissioner for Patents  
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Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

Honorable Commissioner:

I hereby certify that the attached paper of fee (Patent Application) is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee," Express Mail Mailing Label Number ER50904066305, (under 37 C.F.R. § 1.10) on this 3<sup>rd</sup> day of February, 2004 with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop: PATENT APPLICATION.



Signature of registered practitioner or other person having a reasonable basis to expect mailing to occur on the date of deposit shown pursuant to 37 C.F.R. § 1.8(a) or person actually making deposit pursuant to 37 C.F.R. § 1.10(b).

Lloyd W. Sadler, Reg. No. 40,154

Name of person whose signature is given above



13049 U.S. PTO

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Michael J. Miller  
Lyman D. Horne  
W. Paul Willes  
Douglas M. Grover

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Alexandria, VA 22313-1450

## FEE CALCULATION SHEET

Honorable Commissioner:

The fee for the accompanying patent application is calculated as follows:

Basic Filing Fee (small entity) . . . . .	\$385.00
Independent claims in excess of three . . . . .	\$1032.00
( 24 x 43.00 each)	
Claims in excess of twenty . . . . .	\$1413.00
( 157 x 9.00)	
<u>Recordation of Assignment . . . . .</u>	<u>\$ 40.00</u>
TOTAL . . . . .	\$2870.00

A Credit Card Payment Form for this amount is enclosed. The Commissioner is hereby authorized to charge any deficiency in fees and to credit any over payment to Deposit Account No. 50-0581.

Respectfully submitted this 3<sup>rd</sup> day of February, 2004.

  
Lloyd W. Sadler, Reg. No. 40,154  
PARSONS BEHLE & LATIMER  
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Salt Lake City, Utah 84111  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTORS: Michael J. Miller  
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Alexandria, VA 22313-1450

**REQUEST AND CERTIFICATION UNDER  
35 U.S.C. § 122(b)(2)(B)(i)**

Honorable Commissioner:

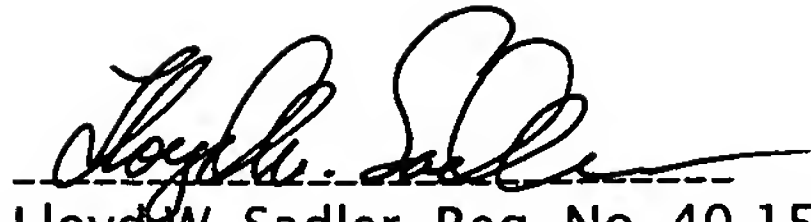
I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

This request is signed in compliance with 37 C.F.R. 133(b), in that it is signed by a registered attorney appointed in compliance with §1.34(b), and is hereby submitted with the application upon filing.

Applicant understands (1) that Applicant may rescind this nonpublication request at any time. (2) If applicant rescinds a request that an application not be published under 35 U.S.C. § 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed. (3) If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. (4) Failure to do so will result in abandonment of this application (35 U.S.C. § 122(b)(2)(B)(iii)).

Respectfully submitted this 3<sup>rd</sup> day of February 2004,





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